

IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE  
S/S Meredith Road, 1630' SW of \* DEPUTY ZONING COMMISSIONER  
Kirkwood Shop Road (3641 Meredith Road)  
7th Election District \* OF BALTIMORE COUNTY  
3rd Councilmanic District \* Case No. 92-107-A  
Lillian Marie Wright Lingg  
Petitioner

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 20 feet each in lieu of the required 35 feet for a proposed dwelling in accordance with Petitioner's Exhibit 1.

The Petitioner appeared and testified. Also appearing on behalf of the Petitioner were Richard Lingg, Beverly Corbett and William Russel. There were no Protestants.

Testimony indicated that the subject property, known as 3641 Meredith Road, consists of 0.636 acres zoned R.D. 2 and is presently unimproved. Petitioner is desirous of constructing a single family dwelling on the property in accordance with Petitioner's Exhibit 1. Testimony indicated that due to the configuration of the subject property the requested variances are necessary in order to construct a dwelling that would be compatible with other homes in the area. Petitioner testified the subject property has been in her family for 76 years and that she purchased the property in 1964 with the intention of building her retirement home. Petitioner argued that the subject property will be rendered useless and undevelopable if the requested variances are denied. Testimony indicated the Petitioner has spoken with the adjoining property owners, who are her relatives, and that they have no objections to her request.

Testimony further indicated the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 4 day of October, 1991 that the Petition for Zoning Variance from Section 1A01.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 20 feet each in

lieu of the required 35 feet for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) Compliance with the Zoning Plans Advisory Committee comments submitted by the Department of Environmental Protection and Resource Management, Division of Ground Water Management, dated September 11, 1991, a copy of which is attached hereto and incorporated herein.

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs



## Petition for Variance

to the Zoning Commissioner of Baltimore County

92-107-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1A01.3.B.3

To permit a side yard set back of 20' ft on each side in lieu of the required 35' of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

See attached.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc. upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Lillian Marie Wright Lingg

(Type or Print Name)

Signature

(Type or Print Name)

Signature

2600 Chesley Avenue 301/444-5864

Address

Baltimore, Maryland 21234

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Name

Lillian Marie Wright Lingg

Address

2600 Chesley Avenue, Baltimore 301-444-5864

City and State

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING - 1/2HR. - 1/2HR. - 1/2HR.

AVAILABLE FOR HEARING

MOR./TUES./WED. - NEXT TWO MONTHS

ALL OTHER

REVIEWED BY: DATE: 10/1/91

Attachment to Petition for Variance for:  
Lillian Marie Wright Lingg

92-107-A

**UNDUE HARDSHIP** - Without this variance, the property would have no value. This request is not for financial gain or profit but, merely a request to build and live on property owned by our family for 76 years.

To maintain the uniformity with other properties on Meredith Road this structure should be built to face Meredith Road. All homes on the south side of Meredith Road are constructed with the front of the dwelling facing Meredith Road.

Property was purchased prior to the current zoning regulations. At the time of purchase a zoning regulation required 100 ft. road frontage. We were able to obtain the additional footage at that time (1964). However, additional space is no longer available to comply with today's regulations.

**PRACTICAL DIFFICULTY** - Granting this variance would maintain the continuity of the community thus keeping property values of the entire neighborhood at the present status. Otherwise, it could lower the value of other property owners.

Granting this variance would not hamper height, area, off street parking or sign regulations.

Placing the dwelling facing Meredith Road would enhance the community. It would in no way cause any health hazards, or affect the safety and general welfare of the neighborhood.

Joseph W. Shaw  
PROFESSIONAL LAND SURVEYOR  
F.S.L.S. - FELLOW A.C.S.M. - N.S.P.S.  
47 West Pennsylvania Avenue  
STEWARTSTOWN, PA 17383  
Phone: (717) 993-3192

August 19, 1991

#### ZONING DESCRIPTION

LILLIAN MARIE WRIGHT LINGG  
7th ELECTION DISTRICT

BEGINNING at a point on the south side of Meredith Road which is 60 feet wide at the distance of 1630 feet west of Kirkwood Shop Road containing 0.363 acres as recorded in Deed Liber O.T.G. 4671, folio 153 and Deed Liber R.R.G. 4394, folio 373 (the combined metes and bounds of the two parcels as follows)  
(1) S 6°02'12"E, 289.00'  
(2) S 70°57'22"W, 99.65'  
(3) N 5°45'00"W, 289.00' and  
(4) N 69°04'32"E, 98.99' to the place of BEGINNING.  
Also known as 2641 Meredith Road and located in the Seventh Election District.

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning

111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

October 30, 1991

Ms. Lillian Marie Wright Lingg  
2600 Chesley Avenue  
Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE  
S/S Meredith Road, 1630' SW of Kirkwood Shop Road  
(3641 Meredith Road)  
7th Election District - 3rd Councilmanic District  
Lillian Marie Wright Lingg - Petitioner  
Case No. 92-107-A

Dear Ms. Lingg:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:bjs

cc: People's Counsel

File

BALTIMORE COUNTY, MARYLAND  
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT  
INTER-OFFICE CORRESPONDENCE

September 11, 1991

TO: Arnold Jablon, Director  
Zoning Administration and Development Management  
FROM: DIVISION OF GROUND WATER MANAGEMENT  
SUBJECT: Zoning Item #111, Zoning Advisory Committee Meeting of September 10, Lillian Marie Wright Lingg, S/S Meredith Road, 1630' SW of Kirkwood Shop Road (#3641 Meredith Road), D-7, Private Water and Sewer

#### COMMENTS ARE AS FOLLOWS:

Soil percolation tests have been conducted.

The results are valid until August 2, 1994.

Where water wells are to be used as a source of water supply, a well meeting the minimum Baltimore County Standards must be drilled.

Prior to occupancy approval, the potability of the water supply must be verified by collection of bacteriological and chemical water samples.

SSF:rmp

1112NG/GWRMP

ORDER RECEIVED FOR FILING

Date 10/1/91  
By [Signature]

RECEIVED  
OCT 12 1991  
ZONING OFFICE

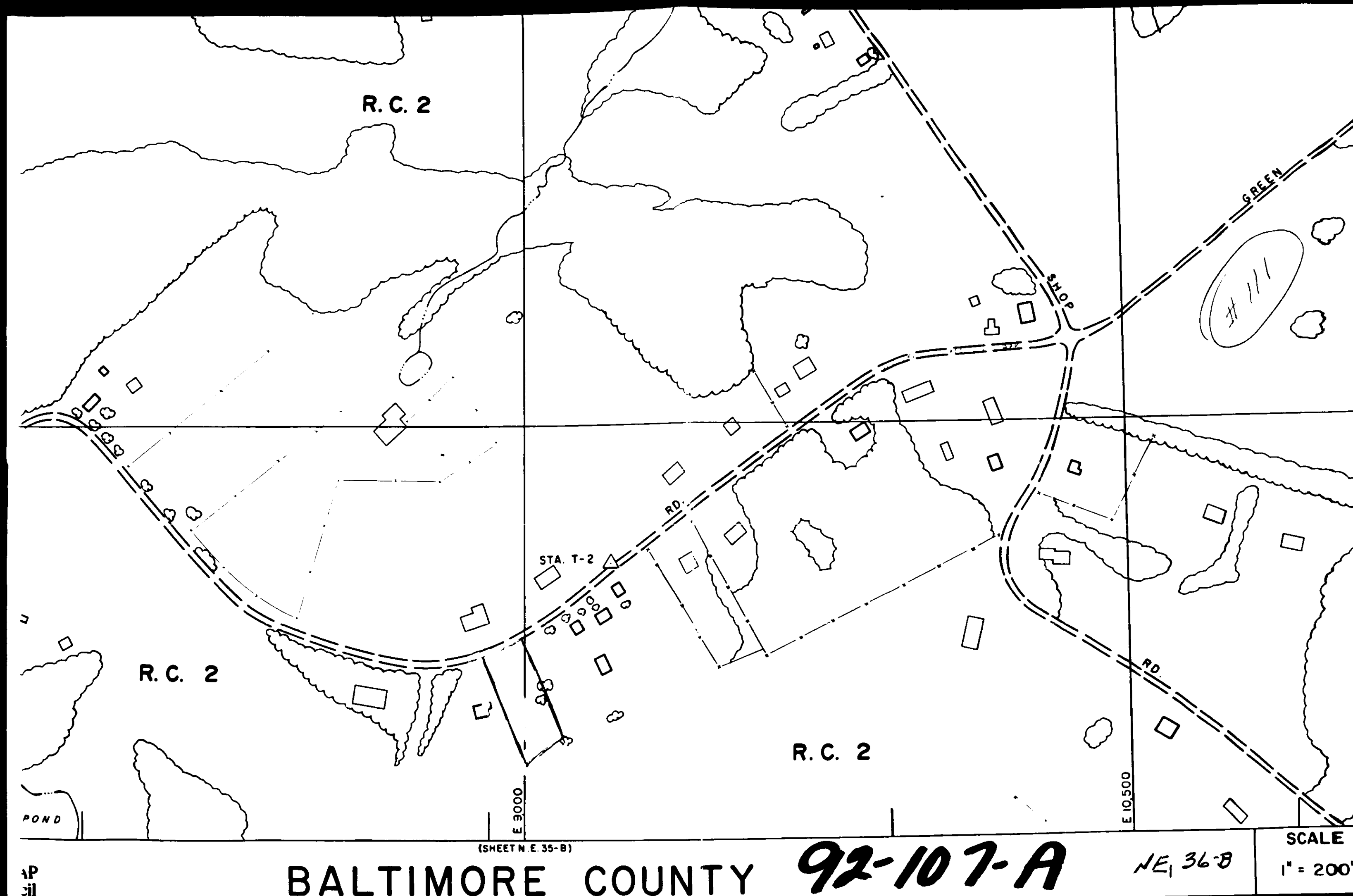
CASE NUMBER 92-107-A  
PETITIONER'S EXHIBIT # 2



View from Meredith Road



f/Meredith Road shows existing neighbor's house



Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

DATE: 10-5-91

Lillian Marie Wright Lingg  
3641 Chesley Avenue  
Baltimore MD 21234

RE:  
CASE NUMBER: 92-107-A  
3641 Meredith Road, 1630' SW of Kirtwood Shop Road  
3641 Meredith Road  
7th Election District - 3rd Councilmanic  
Petitioner(s): Lillian Marie Wright Lingg  
HEARING: FRIDAY, OCTOBER 25, 1991 at 1:30 p.m.

Dear Petitioner(s):

Please be advised that \$ 103.67 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

*Lillian Marie Wright Lingg*  
Lillian Marie Wright Lingg

ZONING COMMISSIONER  
BALTIMORE COUNTY, MARYLAND

COPY

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/2, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in TOWSON TIMES, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/13/91, 1991.

TOWSON TIMES,

*S. Zeke Orleans*  
Publisher

Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 113 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 1:30 p.m.  
Case Number: 92-107-A  
3641 Meredith Road, 1630' SW of Kirtwood Shop Road  
3641 Meredith Road  
7th Election District  
3rd Councilmanic District  
Petitioner(s): Lillian Marie Wright Lingg  
Hearing Date: Friday, Oct. 25, 1991 at 1:30 p.m.  
Variances to permit a side yard setback of 20 ft. on each side in lieu of the required 35 feet.

Zoning Commissioner of Baltimore County  
TTU/9203 September 25

### CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/2, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 9/13/91, 1991.

THE JEFFERSONIAN,

*S. Zeke Orleans*  
Publisher

Publisher

NOTICE OF HEARING  
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 113 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 1:30 p.m.  
Case Number: 92-107-A  
3641 Meredith Road, 1630' SW of Kirtwood Shop Road  
3641 Meredith Road  
7th Election District  
3rd Councilmanic District  
Petitioner(s): Lillian Marie Wright Lingg  
Hearing Date: Friday, Oct. 25, 1991 at 1:30 p.m.  
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Zoning Commissioner of Baltimore County  
TTU/9203 September 25

Photographs

Case 92-107-A

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date

Account: R-001-6150  
Number

10/15/91  
1897-92  
48

0440-#0100124HC  
E4 COLLISDA-08-30-91  
Please Make Checks Payable To: Baltimore County

Cashier Validation

### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 7th  
Date of Posting: 10/15/91  
Posted for: Lillian Marie Wright Lingg  
Petitioner: Lillian Marie Wright Lingg  
Location of property: 3641 Meredith Rd.  
Location of Sign: 3641 Meredith Rd.  
Remarks: Variances to permit a side yard setback of 20 ft. on each side in lieu of the required 35 feet.  
Posted by: S. Zeke Orleans  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

92-107

Account: R-001-6150  
Number

Please Make Checks Payable To: Baltimore County \$103.67  
04 COLLISDA-08-30-91

Cashier Validation

10-10-1991  
1897-92  
48  
Dear Sir,  
I'm sending you the check of \$103.67 for advertising & posting of property Case No. 92-107-A.  
Please note that the address you have on my letter to me was 3641 Meredith Rd. but the correct one is 2641 Meredith Rd. The correct property is posted just the address no. is wrong.  
RECEIVED  
OCT 15 1991  
ZONING OFFICE  
Thank You,  
Lillian Marie Wright Lingg



SEPTEMBER 13, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-107-A  
S/S Meredith Road, 1630' SW of Kirkwood Shop Road  
3641 Meredith Road  
7th Election District - 3rd Councilmanic  
Petitioner(s): Lillian Marie Wright Lingg  
HEARING: FRIDAY, OCTOBER 25, 1991 at 1:30 p.m.

Variance to permit a side yard setback of 20 ft. on each side in lieu of the required 35 feet.

*J. Robert Haies*

Zoning Commissioner of  
Baltimore County

cc: Lillian Marie Wright Lingg

Mrs. Lillian M. Lingg  
2600 Chesley Avenue  
Baltimore, Maryland 21234

RE: 2 Parcels (70' x 286' & 30' x  
approximately 290'  
S/S Meredith Road  
1630' SW of Kirkwood Shop Road  
7th Election District

Dear Mrs. Lingg:

I am in receipt of the color-coded plat requested in my letter to you, dated July 9, 1991.

The zoning of this site at the time of the transfer of the 2 parcels (Liber 4391 folio 373, and Liber 4671 folio 153) was Residual (R-6) which for lots with no utilities required a minimum lot size of 20,000 sq. ft. As such, this site meets the minimum lot size requirement. The proposed single family dwelling as shown on your recently submitted plat also meets the current Resource Conservation (RC-2) zone setbacks of 75' to the center line of the street and 35 ft. to the other 3 lot lines. However, if you desired to orient the proposed dwelling to have the front or rear side face Meredith Road, a variance would be required as the side yard setback could not be met.

Enclosed are variance petition forms as well as a self-explanatory sample booklet.

If you have any questions, please do not hesitate to call me at 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Zoning Supervisor  
By: John J. Sullivan, Jr.  
Planner II

JJS:jat  
cc: File

Ms. Lillian Marie Wright Lingg  
2600 Chesley Avenue  
Baltimore, MD 21234

RE: Item No. 111, Case No. 92-107-A  
Petitioner: Lillian Marie Wright Lingg  
Petition for Variance

Dear Ms. Lingg:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys and/or engineers who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the loss of filing fee.

Very truly yours,  
*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

Your petition has been received and accepted for filing this  
31st day of August, 1991.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:  
*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Lillian Marie Wright Lingg, et ux  
Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: September 13, 1991

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: HELBING Property, Item No. 53  
Smith Property, Item No. 64  
McClure Property, Item No. 65  
Boehnlein Property, Item No. 66  
Marx Property, Item No. 68  
Buie Property, Item No. 69  
Pulaski Property, Item No. 70  
Wolschlagier Property, Item No. 72  
Bray Property, Item No. 74  
Graves Property, Item No. 75  
Sylvia Property, Item No. 76  
Long Property, Item No. 78  
Pearl Property, Item No. 79  
Casey Property, Item No. 80  
Edwards Property, Item No. 81  
Tyson Property, Item No. 85  
Skidmore Property, Item No. 88  
Williams Property, Item No. 89  
Restivo Property, Item No. 90  
Didier Property, Item No. 97  
Wesolowski Property, Item No. 102  
Griffin Property, Item No. 103  
Burgwin Property, Item No. 104  
Ghent Property, Item No. 110  
Lingg Property, Item No. 111  
Bates Property, Item No. 112  
Bond Property, Item No. 115

In reference to the Petitioner's request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/rdn  
ITEM47/TXTROZ

700 East Joppa Road, Suite 901  
Towson, MD 21204-5500

(301) 887-4500

SEPTEMBER 16, 1991

Arnold Jablon,  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: LILLIAN MARIE WRIGHT LINGG  
Location: #3641 MEREDITH ROAD  
Item No.: 111 Zoning Agenda: SEPTEMBER 10, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *James E. Dyer* Noted and  
Planning Group Approved  
Special Inspection Division Fire Prevention Bureau

JE/KEE

BALTIMORE COUNTY, MARYLAND  
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and Development Management

DATE: September 24, 1991

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for September 10, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 81, 102, 103, 104, 110, 111, 112, 114, and 115. Also, we have no comments for Case No. R-91-119.

For Item 109, comments will be made at the County Review Group meeting.

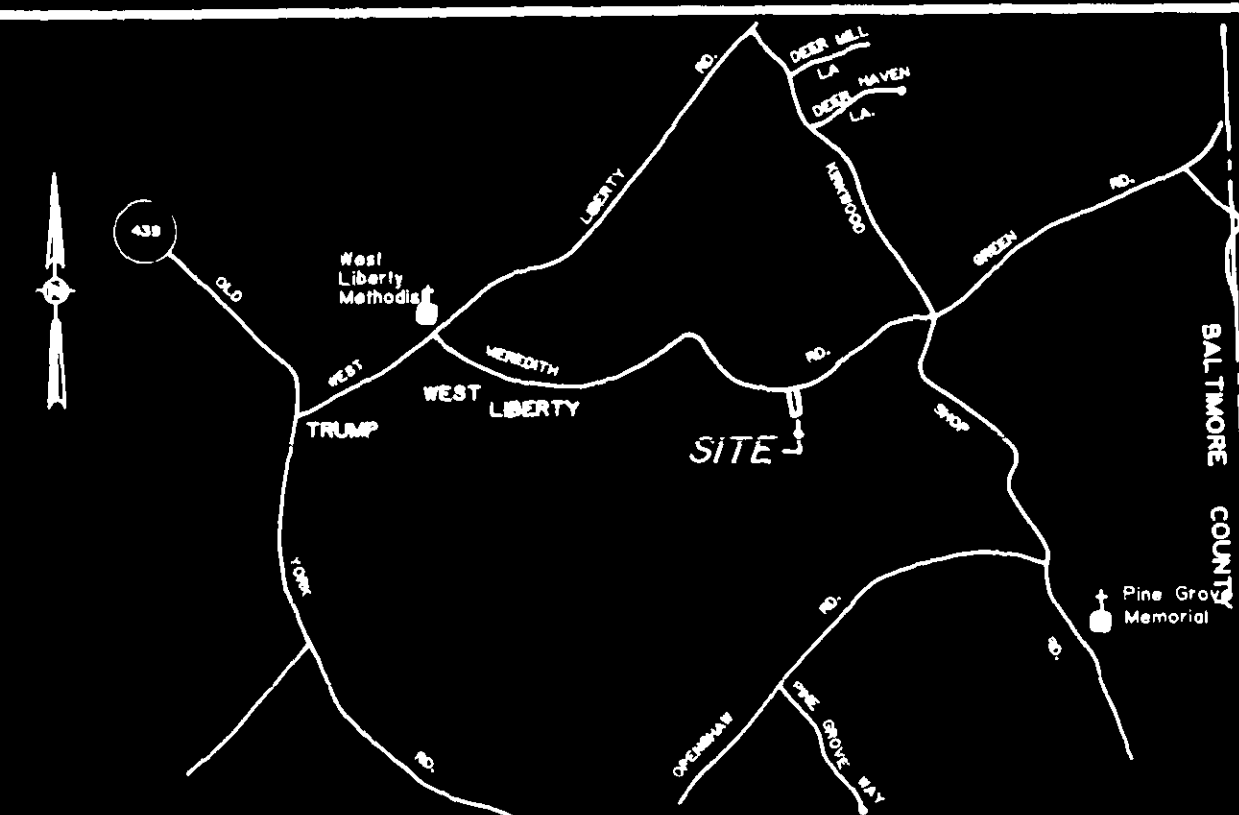
For Item 108, the County Review Group comments remain in effect.

For Item 109, comments will be reserved until the County Review Group meeting.

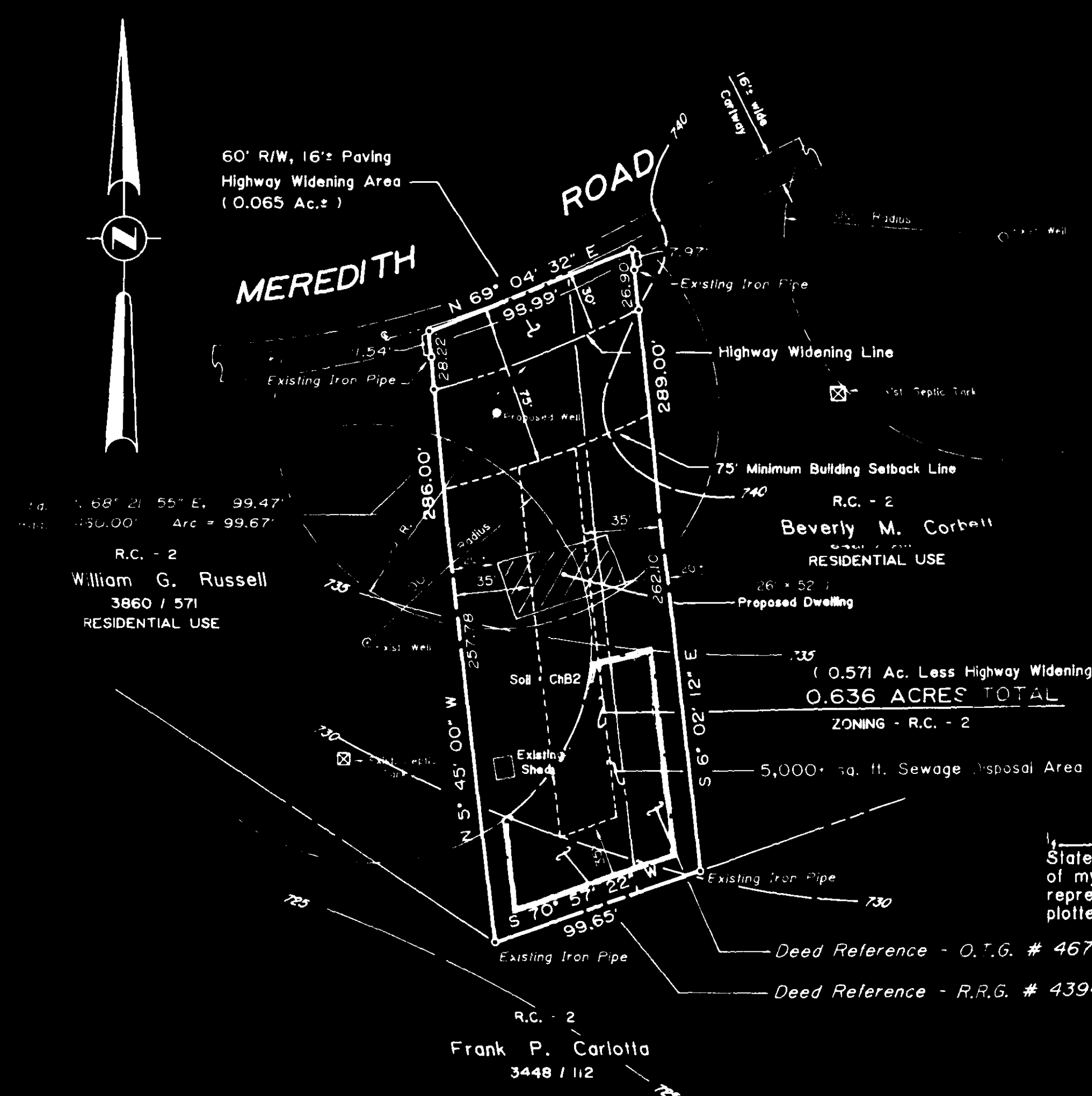
*Robert W. Bowling*  
ROBERT W. BOWLING, P.E., C.E.  
Developers Engineering Division

RWB:s

Boundaries and ownership of property shown hereon have not changed since November 25, 1979.



VICINITY MAP  
Scale: 1" = 2000'



LOCATION INFORMATION

Councilmanic District - 3rd  
Election District - 7th  
1" = 200' scale map # NE - 36B  
Zoning - R.C. - 2  
Lot Size - 0.636 Acres / 27,692 sq. ft.  
Sewer - Private (on site)  
Water - Private Well (on site)  
Chesapeake Bay Critical Area - No  
Prior Zoning Hearings - None

92-107-A

I, JOSEPH W. SHAW, a Professional Land Surveyor of the State of Maryland, do hereby certify, to the best of my knowledge, information, and belief, that this plan correctly represents lots, lands, streets, and highways as surveyed and plotted by me for the owners or agents.

PETITIONER'S  
EXHIBIT 4

PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE  
**LILLIAN MARIE WRIGHT LINGG**  
7th ELECTION DISTRICT, BALTIMORE COUNTY, MD.

OWNER:  
Lillian M. W. Lingg  
2600 Chesley Ave.  
Baltimore, MD. 21234  
301 - 444 - 5864



June 27, 1991

Scale: 1" = 50'

JOSEPH W. SHAW, P.L.S.  
STEWARTSTOWN, PA.

ZONING OFFICE USE ONLY:

Reviewed by:     Date:     Page: